

THE CITY OF NEW YORK  
LAW DEPARTMENT

MICHAEL A. CARDOZO  
Corporation Counsel

100 CHURCH STREET  
NEW YORK, NY 10007

JESSICA T. COHEN  
Assistant Corporation Counsel  
jecohen@law.nyc.gov  
(212) 788-1895  
(212) 788-9776 (fax)

July 10, 2007

**BY HAND DELIVERY**

The Honorable William H. Pauley  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Application granted.  
SO ORDERED:

*William H. Pauley III*  
WILLIAM H. PAULEY III U.S.D.J.

7/13/07

Re: Roy Young v. City of New York, et al.  
07 CV 5453 (WHP)

Your Honor:


I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department and the attorney assigned to the defense of the above referenced matter. By letter dated July 3, 2007, defendant City of New York requested an extension of time to answer or otherwise respond to plaintiff's complaint. Upon information and belief, that application is still pending before Your Honor. Without appearing on his behalf or making any representations as to the adequacy of service, in furtherance of defendant City of New York's request from July 3, 2007, I write to respectfully request an enlargement of time until September 4, 2007 to answer or otherwise respond to the complaint on behalf of defendant Juan Berrio. Plaintiff's counsel, Steven Hoffner, Esq., consents to this request.

This office recently learned that defendant Juan Berrio may have also been served with process in this action. As such, an enlargement of time will allow this office to confirm that service was properly effected upon Berrio. In addition, the enlargement is necessary to allow time for this office to determine, pursuant to Section 50-K of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendant. See Mercurio v. City of New York, et al., 758 F.2d 862, 864-865 (2d Cir. 1985)(quoting Williams v. City of New York, et al., 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985))(decision whether to represent individual defendant is made by the Corporation Counsel as set forth in state law).

No previous request for an enlargement was made on behalf of Berrio. Accordingly, on behalf of defendant Juan Berrio, this office respectfully requests that Berrio's time (as well as the

City's time) to respond to the complaint be extended to September 4, 2007. Thank you for your consideration of this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. Cohen', is positioned above the printed name.

Jessica T. Cohen (JC 0044)  
Assistant Corporation Counsel

cc: Steven Hoffner, Esq. (by fax)  
Attorney for Plaintiff  
350 Broadway, Suite 1105  
New York, New York 10013